

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS,  
EASTERN DIVISION**

QUINN HEATH

*Plaintiff,*

v.

DEPARTMENT OF DEFENSE

*Defendant.*

Civil Action No. 1:22-cv-11811-AK

**PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT**

Plaintiff Quinn Heath respectfully requests the court clerk enter a default against defendant, pursuant to Federal Rule of Civil Procedure 55.

**A. INTRODUCTION**

1. Plaintiff is individual Quinn Heath.
2. Defendant is the Department of Defense, an agency of the United States.
3. On October 23, 2022, Plaintiff sued Defendant for failure to search for and disclose a single record pursuant to 5 U.S.C. § 552 *et seq.* (hereinafter, the “Freedom of Information Act”). Plaintiff filed a complaint with the Court on October 23, 2022.
4. On October 25, 2022, Defendant was served with a summons and a copy of Plaintiff’s complaint by certified mail. Proof of mailing and digital receipt confirming delivery are

attached as Exhibit A.

5. Defendant did not file a responsive pleading or otherwise defend the suit by November 28, 2022.
6. Plaintiff is entitled to entry of default.

#### **B. ARGUMENT**

7. The court clerk must enter a default against a party who has not filed a responsive pleading or otherwise defended the suit. Fed. R. Civ. P. 55(a); see United States v. \$23,000 in United States Currency, 356 F.3d 157, 163 (1st Cir. 2004).
8. The clerk should enter a default against Defendant because Defendant, a U.S. agency, did not “serve an answer or otherwise plead . . . within thirty days after service upon the defendant[.]” See 5 U.S.C. § 552(a)(4)(C).
9. The thirty-day deadline pursuant to 5 U.S.C. § 552(a)(4)(C), accounting for extensions required under Fed. R. Civ. P. 6(a), tolled on November 28, 2022.
10. The clerk should enter a default against Defendant because Defendant did not otherwise defend the suit. Fed. R. Civ. P. 55(a).
11. Plaintiff meets the procedural requirements for obtaining an entry of default from the clerk as demonstrated by Plaintiff Quinn Heath’s sworn declaration, attached as Exhibit B.

#### **C. CONCLUSION**

10. As Defendant has failed to respond to this suit by November 28, 2022, Plaintiff asks the clerk to enter a default in favor of plaintiff.

Respectfully submitted this 29th day of November,

**/s/ Quinn Heath**

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Quinn Heath, Esq.  
MA Bar #709258  
476 Windsor St.  
Apt. 1  
Cambridge, MA 02141  
(617) 468-8343  
qheath@bu.edu

*Pro Se*

## **EXHIBIT A**

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> .	
Boston, MA 02210	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$ 4.00	0139
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<i>Civil Process Clerk</i> United States Attorney's Office District of Massachusetts John Joseph Moakley Courthouse One Courthouse Way, Suite 9200 Boston, MA 02210	
Street and Apt.	
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PC Form 3800	

  

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<i>Merrick B. Garland</i> Attorney General U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001	
Street and Apt.	
City, State, ZIP	
PC Form 3800	

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<p><b>OFFICIAL USE</b></p>	
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<p>Extra Services &amp; Fees (check box, add fees to basic rate)</p>	
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<p>U.S. Department of Defense Office of General Counsel 1000 Defense Pentagon Washington, DC 20301</p>	
<p>70211970 00020000 00000000 0160 0157 0160</p>	
<p>PS Form 3800.</p>	

Tracking Number:

Remo

**70211970000206570146** Copy  Add to Informed Delivery**Latest Update**

Your item was delivered to the front desk, reception area, or mail room at 11:11 am on October 26, 2022 in BOSTON, MA 02210.

Get More Out of USPS Tracking:

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BOSTON, MA 02210  
October 26, 2022, 11:11 am[See All Tracking History](#)**Text & Email Updates****USPS Tracking Plus®****Product Information**

Tracking Number:

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**70211970000206570153** Copy  Add to Informed Delivery**Latest Update**

Your item was picked up at a postal facility at 5:06 am on October 28, 2022 in WASHINGTON, DC 20530.

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### Delivered

Delivered, Individual Picked Up at Postal Facility

WASHINGTON, DC 20310

October 27, 2022, 11:22 am

[See All Tracking History](#)

## **EXHIBIT B**

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS,  
EASTERN DIVISION**

QUINN HEATH

*Plaintiff,*

Civil Action No. 1:22-cv-11811-AK

v.

DEPARTMENT OF DEFENSE

*Defendant.*

**PLAINTIFF'S AFFIDAVIT  
IN SUPPORT OF ENTRY OF DEFAULT**

1. I am the individual Quinn Heath, Plaintiff in the captioned action.
2. I certify that I served the summons and a copy of the Complaint by certified mail on October 25, 2022, on each of the parties listed below:

Civil Process Clerk  
United States Attorney's Office, District of Massachusetts  
John Joseph Moakley Courthouse  
One Courthouse Way, Suite 9200  
Boston, MA 02210

Merrick B. Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

U.S. Department of Defense  
Office of General Counsel  
1000 Defense Pentagon  
Washington, DC 20301

3. The Freedom of Information Act requires an answer to be filed within thirty (30) days of Service. Fed. R. Civ. P. 6(d) provides an additional three days response to documents served by mail. Fed. R. Civ. P. 6(a)(1)(C) provides for deadlines that fall on a weekend to be tolled to the next business day. Therefore, an Answer was due by Defendant on November 28, 2022.
4. I received and have attached three certified mail receipts from the U.S. Postal Service with postal tracking information.
5. I reviewed and have attached three U.S. Postal Service postage tracking printouts and confirmed that all three parcels were delivered to the addresses listed above.

I declare under penalty of perjury on this 29th day of November that the foregoing is true and correct.

**/s/ Quinn Heath**

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*Pro Se*